

1 RUSSEL I. KASSMAN,

2 Plaintiff,

3 v.

4 JP MORGAN CHASE BANK,

5 Defendant.

6 Case No. 15-cv-05873-DMR

7 **ORDER DISCHARGING ORDER TO  
SHOW CAUSE; GRANTING  
PLAINTIFF PERMISSION TO FILE  
AMENDED COMPLAINT OR  
OPPOSITION TO MOTION TO  
DISMISS; SETTING DEADLINE FOR  
DEFENDANT'S REPLY BRIEF**

8 Re: Dkt. No. 33

9 Plaintiff Russel Kassman filed this case on December 21, 2015. [Docket No. 1.] On April  
10 15, 2016, Defendant JP Morgan Chase Bank filed a motion to dismiss the complaint. [Docket No.  
11 23.] In the parties' joint case management state, filed on April 27, 2016, Plaintiff represented that  
12 he would file a First Amended Complaint by May 6, 2016. [Docket No. 30.] Plaintiff failed to  
13 file an opposition to Defendant's motion to dismiss by April 29, 2016 in accordance with Civil  
14 Local Rule 7-3(a) or alternatively to file a statement of nonopposition to the motion as required by  
15 Civil Local Rule 7-3(b). Further, Plaintiff did not file his First Amended Complaint by May 6,  
16 2016 and did not request an extension from the court.  
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18 On May 11, 2016, the court issued an order for Plaintiff to show cause for his failure to  
19 respond to Defendant's motion to dismiss. [Docket No. 32.] On May 12, 2016, Plaintiff's counsel  
20 filed a declaration stating that he had improperly calculated the deadline for Plaintiff's opposition  
21 because Plaintiff's counsel had not applied the Northern District of California Civil Local Rules to  
22 calculate the response deadline. [Docket No. 33.] This does not constitute an acceptable excuse.  
23 Attorneys practicing in this District are expected to comply with the District's Local Rules and  
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1 may be sanctioned for noncompliance. Civil Local Rule 1-4. The court instructs counsel to  
2 review the Northern District of California Civil Local Rules and Judge Ryu's Standing Order to  
3 ensure compliance with the rules going forward. Further rule violations may result in sanctions.

4 The court hereby discharges the Order to Show Cause. [Docket No. 32.] Plaintiff may file  
5 his opposition to the Defendant's motion to dismiss or a First Amended Complaint by May 18,  
6 2016. If Plaintiff does not respond to the motion to dismiss or file an amended complaint,  
7 Defendant's motion may be granted or the case may be dismissed for failure to prosecute.  
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9 Defendant's reply, if any, is due by May 25, 2016.

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11 **IT IS SO ORDERED.**

12 Dated: May 13, 2016



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Donna M. Ryu  
United States Magistrate Judge